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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA)	CASE NO. CR-13-0765 SI
)	
v.)	PROPOSED ORDER OF DETENTION OF
)	DEFENDANT EUGENE HILL
EUGENE HILL,)	
)	
Defendant.)	
)	
)	
)	
)	

The defendant Eugene Hill came before this Court on December 6, 2013, for a detention hearing. The defendant was present and represented by Daniel Blank, Esq. Assistant United States Attorney Arianna Berg represented the United States.

The government requested detention, submitting that no condition or combination of conditions would reasonably assure the defendant's appearance or reasonably assure the safety of the community.

Pretrial Services submitted a report recommending detention.

Upon consideration of the Pretrial Services report, the court file and the parties' proffers as discussed below, the Court finds by (1) clear and convincing evidence that the defendant is a danger to the community, and (2) a preponderance of the evidence that no condition or combination of conditions

1 would reasonably assure the defendant's appearance as required by the Court. The Court orders the
2 defendant detained.

3 The present order supplements the Court's findings at the detention hearing and serves as a
4 written findings of fact and statement of reasons as required by 18 U.S.C. § 3142(i).

5 The Bail Reform Act of 1984, 18 U.S.C. §§ 3141-50, sets forth the factors which the Court must
6 consider in determining whether pretrial detention is warranted. In coming to its decision, the Court has
7 considered those factors, paraphrased below:

- 8 (1) the nature and seriousness of the offense charged;
- 9 (2) the weight of the evidence against the person;
- 10 (3) the history and characteristics of the person including, among other considerations,
11 employment, past conduct and criminal history, and records of court appearances; and
- 12 (4) the nature and seriousness of the danger to any person or the community that would be posed
13 by the person's release.

14 18 U.S.C. § 3142(g).

15 Defendant Eugene Hill is charged with one count of violating 18 U.S.C. § 922(g) (felon in
16 possession of firearm) and one count of violating 18 U.S.C. § 1512(a)(2)(A) (witness tampering). The
17 instant charges stem from the defendant's alleged possession of ammunition and a firearm. The witness
18 tampering charge stems from the defendant's alleged attempt to influence, delay, and prevent the
19 testimony of a witness in an official proceeding.

20 In considering all of the facts and proffers presented at the hearing, the Court finds the following
21 factors among the most compelling in reaching its conclusion that no combination of conditions could
22 reasonably assure the defendant's appearance or the safety of the community as required:

23 First, the Court is especially concerned about the defendant's danger to the community. The
24 defendant has a significant criminal history, including a domestic violence misdemeanor conviction,
25 which indicates his danger to the community. The Court also takes into account the nature and
26 circumstances of the current witness tampering and possession of firearm and ammunition charges
27 against the defendant, although that is the least heavily weighted factor for this Court.

28 Second, the Court does not believe that a drug treatment program would be sufficient to
safeguard against the defendant's risk of flight or guarantee the safety of the community. It is worth

1 noting that the defendant has a demonstrated history of being unable to comply with Court orders
2 despite attending drug treatment programs. In addition, it appears that the defendant does not have
3 viable sureties.

4 These factors, among others adduced at the hearing, demonstrate by a preponderance of the
5 evidence that, if released, the defendant would not appear as required, and by clear and convincing
6 evidence that the defendant is a danger to the community.


7 Accordingly, pursuant to 18 U.S.C. § 3142(I), IT IS ORDERED THAT:

8 (1) the defendant is committed to the custody of the Attorney General for confinement in a
9 corrections facility;

10 (2) the defendant be afforded reasonable opportunity for private consultation with his counsel;
11 and

12 (3) on order of a court of the United States or on request of an attorney for the government, the
13 person in charge of the corrections facility in which the defendant is confined shall deliver the
14 defendant to an authorized Deputy United States Marshal for the purpose of any appearance in
15 connection with a court proceeding.

16 Dated: 12/16/13

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19 ELIZABETH D. LAPORTE
20 United States Magistrate Judge
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